Dear ICANN team,

I am Jan, the Lead Manager of Trust and Safety of the Wikimedia Foundation, the charity operating free knowledge projects, including Wikipedia, in 20+ languages. Following a brief correspondence I had the privilege to have with Jean-Jacques on your European team late last month, we have pulled together some thoughts on how the GDPR-related changes to WHOIS that you are working on might impact our volunteer communities ability to rely on your help.

Current use of WHOIS in Wikimedia's ecosystem

The openly accessible WHOIS is a regular part of the Wikimedia community workflows for anti-vandalism efforts on our production wikis as well as for Trust and Safety/Security staff efforts. Volunteer functionaries, including but not limited to administrators, anti-vandalism and anti-spam users, and users handling more sensitive personal data (checkusers and oversighters), routinely rely on WHOIS registration information for investigations of community rules violations or volunteer-led Foundation Terms of Use investigations on issues related to vandalism, spam, undisclosed paid editing, and long-term abuse involving external sites as platforms of conflict.

Therefore, accessibility of WHOIS has been a vital component in both volunteer-led as well as Foundation-facilitated efforts to ensure the ongoing health of the independent volunteer communities and the knowledge resource projects they in turn create and curate for the benefit of the general public within an open model of community self-governance and site management.

The challenge

The new Unified Access Model for Continued Access to WHOIS data proposal in its comparison version from June 18 2018 [icann.org] supports a switch from the traditional free access Wikimedia's volunteer community processes have been built on for a decade and a half to a layered access model that potentially negatively impacts our communities resilience and health.

It is vital for the continuation of the open model of volunteer community self-governance and site management the Wikimedia ecosystem rests on to ensure that relevant community functionaries - and Foundation staff - involved in the activities described above continue to have sufficient access to WHOIS data. Without such access, the current approach our communities take in pursuing their mission to create and curate free knowledge resources to the benefit of the general public is endangered.

The Wikimedia Foundation would have significant concerns making access to full WHOIS data conditional to national or subnational state institution approval. Granting such state oversight would imply undue state involvement in the editorial processes of

the self-governing content creating and curating volunteer communities we support as a charity. These concerns are not just an issue in principle but also rooted in historic observations of state institutions of EU member states that have attempted to apply undue pressure in order to obtain content concessions from volunteer functionaries.

In April 2013, the French interior intelligence agency Direction centrale du renseignement intérieur (DCRI) pressured Rémi Mathis, a serving community-elected administrator of the French language Wikipedia and then-serving volunteer chair of the independent NGO Wikimedia France, into deleting the French language Wikipedia article about the Military radio station of Pierre-sur-Haute, under threat of detention and criminal charge. The case was widely reported at the time and reversed by the community quickly but illustrates the issue well.

Therefore, we would have significant concerns if our volunteer communities ability to do their work involving WHOIS, which is critical for sustainable community health, would be made subject to the approval of state institutions which usually pursue interests not aligned with our communities mission.

Ideas for solutions

Wikimedia volunteer functionaries are vetted by their local language project communities in transparent requests for comment governed by policy and, where the position involves handling more sensitive data, also identified to the Foundation. These user rights groups on our platforms should qualify as a user group with legitimate interest to full WHOIS access within the Unified Model.

The Wikimedia Foundation proposes to build on existing processes where Wikimedia volunteer functionaries have to observe codes of conduct and other rules in order to gain and retain access to non-public and personal information. The Foundation is prepared to collaborate with ICANN and its communities to co-design, and then build and resource an identification and oversight process that ensures continued WHOIS access to Wikimedia volunteer functionaries without undue state interference that potentially endangers the self-governance of the communities of independent volunteer creators and curators of free knowledge we support.

Two currently operational process models that might be worth exploring to such an end would be:

1. The staff-supported identification process for volunteer functionaries that handle non-public informations as part of their community-elected roles; the identification notice board [meta.wikimedia.org] and its related agreement practices.

2. The staff-supported access model for the Wikimedia ecosystem's wide-ranging collaborations with publishers that require user identification for access to content that is not freely available, The Wikipedia Library [meta.wikimedia.org].

Either mechanism or a dedicated new one modeled on them could be used or build to ensure that providers of WHOIS data can with reasonable levels of confidence ensure Wikimedia volunteer functionaries, individually and as a user group pursuing a legitimate interest under the Unified Model, access and re-use WHOIS data with appropriate care for the legitimate interest.

I would welcome feedback from the relevant ICANN staff and dedicated community working group(s) in exploring the issue we have identified and joined exploring of potential solutions, along the lines suggested above or alternative ideas.

Thank you and best regards,

Jan

_____

Jan Eissfeldt
Lead Manager of Trust and Safety
Wikimedia Foundation, Inc.